

GARY LYNN YEATS,)
)
 Petitioner,) 2: 09-cv-00798- KJD-RJJ
)
 vs.)
)
 BRIAN WILLIAMS, *et al.*,) **ORDER**
)
 Respondents.)
)
 /

In order to proceed with his appeal, petitioner must receive a certificate of appealability. 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22; 9th Cir. R. 22-1; *Allen v. Ornoski*, 435 F.3d 946, 950-951 (9th Cir. 2006); *see also United States v. Mikels*, 236 F.3d 550, 551-52 (9th Cir. 2001). Generally, a petitioner must make “a substantial showing of the denial of a constitutional right” to warrant a certificate of appealability. *Id.*; 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). “The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” *Id.* (*quoting Slack*, 529 U.S. at 484). In

1 order to meet this threshold inquiry, the petitioner has the burden of demonstrating that the issues are
2 debatable among jurists of reason; that a court could resolve the issues differently; or that the
3 questions are adequate to deserve encouragement to proceed further. *Id.*

4 This Court has considered the issues raised by petitioner, with respect to whether they satisfy
5 the standard for issuance of a certificate of appealability, and determines that none meet that
6 standard. **IT IS THEREFORE ORDERED** that petitioner's motion for certificate of appealability
7 is **DENIED**. (Docket #39.)

8 DATED: November 17, 2010



10 UNITED STATES DISTRICT JUDGE
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